

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WANDA SAUVE,)
Plaintiff,)
v.) Case No. 1:12-CV-00046
SECURITAS SECURITY SERVICES)
USA, INC.,)
Defendant.)

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendant Securitas Security Services USA, Inc. (“Securitas”) moves for summary judgment on the grounds that there is no genuine issue of material fact and Securitas is entitled to judgment as a matter of law.

Plaintiff alleges that Securitas discriminated against her based upon her age in violation of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5 (“Title VII”). However, Title VII does not afford protection for age discrimination. Accordingly, this claim must be dismissed for that reason alone.

Additionally, Plaintiff cannot show that she was qualified for her position or that she was replaced by or treated worse than an employee under 40-years old. Plaintiff also cannot show that Securitas's legitimate, nondiscriminatory reasons for removing Plaintiff from the client site and subsequent termination were pretext for age discrimination. Importantly, of the 61 total hourly employees that Securitas had at the General Motors Spring Hill site in 2011, 41 of them

were over the age of 40. In fact, 18 of the 67 employees were older than Plaintiff. Moreover, Plaintiff was hired when she was 55-years old, and the decision-makers with respect to the actions that Securitas took were all over 40 as well.

The undisputed facts and law supporting this motion are more fully set forth in Securitas's Statement of Undisputed Material Facts and Memorandum in Support of its Motion for Summary Judgment which are being filed contemporaneously with this Motion.

WHEREFORE, Securitas moves for entry of an Order granting its Motion for Summary Judgment and dismissing Plaintiff's claim for relief in its entirety.

Respectfully submitted,

/s/Russell W. Jackson
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2013, I caused the foregoing to be served, via the Court's electronic filing system, on the following:

Christopher P. Westmoreland
Law Office of Christopher Westmoreland
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/s/Russell W. Jackson